

# **Draft Environmental Assessment**

## **Lewis & Clark Heritage Greenway Conservation Easement Project, South Unit**



**December 2006**



***Montana Fish,  
Wildlife & Parks***

# **Pre-Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST**

## **PART I. PROPOSED ACTION DESCRIPTION**

1. **Type of proposed state action:** To accept the donation of a permanent conservation easement from PPL Montana, LLC on approximately 170 acres along the south shore of the Missouri River downstream from the Rainbow Dam.
2. **Agency authority for the proposed action:**  
FWP has the authority to develop outdoor recreational resources in the state per 23-2-101 MCA. FWP has authority to acquire interests in land per 23-1-102 and 87-1-209, MCA.

Furthermore, the Open-Space Land and Voluntary Conservation Easement Act, MCA 76-6-106, allows a means for the preservation or provision of significant open-space land.

3. **Name of project:** Lewis & Clark Heritage Conservation Easement Project, South Unit
4. **Name, address and phone number of project sponsor (if other than the agency):**

Montana Fish, Wildlife & Parks	
1420 East 6 <sup>th</sup> Avenue	4600 Giant Springs Road
Helena, MT 59620	Great Falls, MT 59405
406-444-3750	406-454-5840

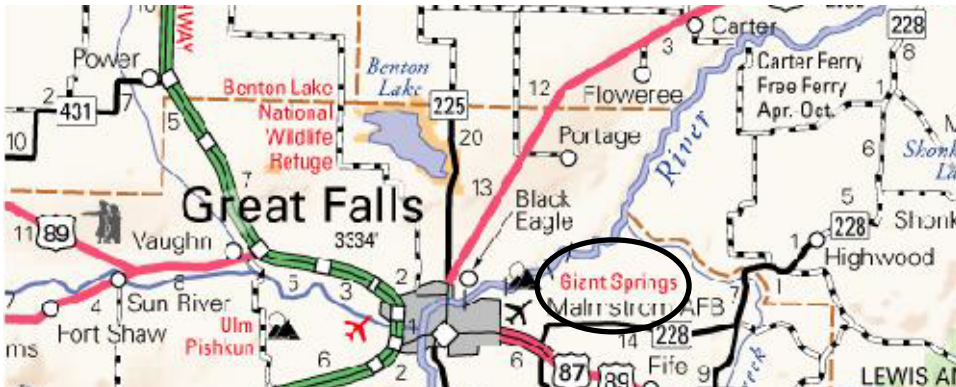
5. **Estimated Schedule of Events:**  
Public Comment Period: December 11, 2006 – January 9, 2007  
FWP Decision Notice Issued: January 16, 2007  
FWP Commission Decision: January 18, 2007  
Montana Land Board Decision: February 20, 2007  
Conservation Easement Documents Completed: End of February 2007
6. **Location affected by proposed action (county, range and township):**  
Cascade County, T21N R4E  
Section 34: Certificate of Survey No. 621 as filed of record in the office of the Clerk and Recorder of Cascade County, Montana on August 30, 1976.

Government Lots 6, 8 and 9, Excepting therefrom the South 20 acres of Lots 8 and 9, and also Excepting therefrom the portions conveyed by Book 43, Page 130 and by Reel 214, Document 1369, and that portion included in Tract 1 of

Certificate of Survey No. 3641 as filed in the office of the Clerk and Recorder of Cascade County, Montana on June 2, 1999.

Section 35: Government Lots 1, 2 and 4, Excepting, therefrom the South 20 acres of Lot 1

The site is approximately 2 miles east of Giant Springs State Park on Giant Springs Road. See *Appendix B* for a map for the lands to be conserved.



**7. Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(b) Open Space/	<u>170</u>	Irrigated cropland	<u>0</u>
Woodlands/Recreation		Dry cropland	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Forestry	<u>0</u>
Areas		Rangeland	<u>0</u>
		Other	<u>0</u>

**8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

**(a) Permits:**

Agency Name \_\_\_\_\_  
None

**(b) Funding:**

Agency Name \_\_\_\_\_ Funding Amount \_\_\_\_\_  
PPL Montana donation of easement

**(c) Other Overlapping or Additional Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
PPL Montana	Land owner; approval of easement
Federal Energy Regulatory Commission	Approval may be required
Cascade County Planning Office	Review of easement

**9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:**

On June 1, 2002, Montana Fish, Wildlife & Parks (FWP) and PPL Montana signed an agreement whereby PPL Montana agreed to grant a conservation easement on the property to FWP in a mutually agreeable form with the purpose of preserving the south shore lands for conservation and recreation purposes. In 2003, the parties began working on terms of the conservation easement that would be agreeable to both parties.

This action would protect the 1.5 miles south shore river frontage of the Missouri River from residential and additional commercial development in perpetuity while retaining the visual and recreational resources associated with property.

The community of Great Falls, tourists, and wildlife would feel the benefits of the proposed conservation easement. Recreational tourism opportunities would remain open to those visiting the Rainbow Dam and Lewis & Clark lookouts and using the River's Edge Trail. The River's Edge Trail is a very popular destination for outdoor enthusiasts. During 2005, the part of the trail within the proposed conservation easement boundary had over 68,000-recorded visitors. Additionally, the easement will provide habitat conservation for game and non-game species using the property on a permanent and transitory basis.

Under, the proposed conservation easement PPL Montana would retain the ability to conduct business necessary for the operation of its' nearby hydropower generating and transmission facilities (i.e. maintain, replace, and construct electric, gas, and telephone transmission and distribution lines and related facilities) on the property. PPL Montana will also retain the right to grant third party access consistent with the purposes of the easement.

Overall, PPL Montana wishes to conserve the conservation values of the land where consistent with its power production and transmission activities. In that light, the proposed conservation easement prohibits any subdivision of the land for any purpose; cultivation or farming; exploration or development for extraction of minerals, coal, hydrocarbons, soils or other materials by any surface mining method; dumping or disposal of wastes; new structures or buildings (other than those associated with hydropower generation & distributions), use of recreational

motorized vehicles; and any commercial or industrial use other than those uses permitted by the easement.

Presented with the opportunity of a conservation easement on the south unit property, FWP believes the proposed project is a worthy endeavor for both parties directly involved, the public, and wildlife habitat conservation.

**10. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:**

**Alternative A: Accepting the grant of a conservation easement from PPL Montana**

By accepting the donation of the conservation easement from PPL Montana, the Lewis and Clark Heritage Greenway South Unit will preserve natural areas for hiking, biking, and walking on 170 acres along the Missouri River. The continued access to this area will ensure it remains a point of interest for out-of-state visitors and Montana residents. Additionally, the easement will enhance the open space values along the south shore and ensure the prairie grassland habitat remains intact for game and non-game species to inhabit.

With this alternative, it is anticipated there would be limited additional maintenance costs to FWP associated with the placement of boundary markers and fencing. Even then, these costs would likely be incurred under the cooperative management agreement.

**Alternative B: Declining the grant of a conservation easement from PPL Montana**

If FWP declines the opportunity to secure a conservation easement on the 170 acres, the land and existing improvements would be subject to the cooperative management plan that is effect between FWP and PPL Montana until 2012. However, the agreement can be terminated by either party at any time for any reason with one year notice. After 2012, a new cooperative management agreement may or may not be developed by the parties. The open space, habitat protection, and conservation values of the land may be jeopardized.

## PART II. ENVIRONMENTAL REVIEW CHECKLIST

### 3. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

#### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u>  Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				1d
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

#### Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):

- 1d. As a part of the proposed conservation easement, FWP will support ongoing remediation, bank stabilization, and stream bed restoration of the Whitmore Ravine by the Cascade County Conservation District, which is at the eastern boundary of the conservation easement. Once the work upstream in the Whitmore Ravine is found to be effective and is completed, FWP would support additional streambed and stream bank restoration of the ravine within the easement's boundary to assist in reduction of runoff, erosion, and siltation into the Missouri River.

As part of the conservation easement document, a Baseline Report will be completed, reviewed by FWP and PPL Montana, and acknowledged by them to be an accurate representation of the physical and biological condition of the property and its physical improvements as of the date of conveyance.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				
f. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):**

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. <u>WATER</u>  Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				3b
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				
n. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):**

3b. See response to 1d.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.



4. <b>VEGETATION</b>  Will the proposed action result in?	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		X	4e
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f
g. Other:						

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):**

- 4c. A search of the Montana Natural Heritage Program's (MNHP) species of concern database identified two nonvascular plants of significance, *Entosthodon reubiginosus* and *Funaria americana*, occurring in the region. These plants are noted in the database as being possible extinct, however there has not been a recent survey of the area (communication with Scott Mincemoyer, MNHP botanist). The proposed easement will not impact either plant if they exist within the property's boundaries.

As part of the conservation easement document, a Baseline Report will be completed, reviewed by FWP and PPL Montana, and acknowledged by them to be an accurate representation of the physical and biological condition of the property and its physical improvements as of the date of conveyance.

- 4e. Since there are already noxious weeds established along the Giant Springs Road right-of-way next to the proposed easement area, future ground disturbances are likely to increase the possibility of noxious weeds becoming further established in the area. Mitigating actions by PPL Montana will include weed spraying, biological control, or mechanical removal as per the proposed conservation easement agreement between FWP and PPL Montana. This conservation easement, and anticipated fencing and property boundary identification, will likely reduce illegal motorized access onto the land within the conservation easement and reduce incidence of weed introduction.
- 4f. The proposed conservation easement property will have no effect on a freshwater emergent wetland that does exist on the southern edge of Crooked Falls along the easement boundary.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

<b>** 5. FISH/WILDLIFE</b>  Will the proposed action result in:	<b>IMPACT *</b>					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a
b. Changes in the diversity or abundance of game animals or bird species?		X				5b
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				5g
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				
j. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):**

5a/b. Long-term wildlife impacts should be positive due to the protection of habitat for both game and non-game species (per Graham Taylor, R4 Wildlife Manager). Mule deer are known to winter on the property and foxes have been seen in the area.

5f/h. A search of the Montana Natural Heritage Program's (MNHP) species of concern database identified seven species of birds as species of concern in the area of the conservation easement. The species identified included: Chestnut-collared Longspur, Grasshopper Sparrow, Lark Bunting, Long-billed Curlew, McCown's Longspur, Sprague's Pipit, and Swainson's Hawk. All these species are listed 'at risk' because of limited numbers, range, and/or habitat. A search of the MNHP Point Observation Database found that none of the birds of concern noted have been seen within the proposed conservation easement area.

Bald eagles are frequently seen year round in the Missouri river corridor, but the conservation easement will have no impact on their activities.

5g. FWP plans to designate the proposed easement property as an area for non-hunting related activities, which is how it has been historically used. However as part of the agreement between PPL Montana and FWP, public hunting could be allowed on the easement only if both parties agree it would be beneficial for wildlife management activities.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

## B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):**

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):**

- 7a. The proposed conservation easement will not interfere with PPL Montana's existing use (i.e. hydropower generation and transmission) within the property boundary. As per the agreement with FWP, PPL Montana retains the right to operate, construct, and maintain electric, gas and telephone transmission lines and distribution lines and related facilities on the property. The land is presently zoned as agricultural according to the Cascade County Planning Office.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. <u>RISK/HEALTH HAZARDS</u>  Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		X	8a
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		X	8d
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):**

- 8a/d. Chemical spraying is part of PPL Montana's weed management plan to limit the infestation of noxious weeds on the conserved property. Only a trained licensed professional would conduct weed treatment and storage and mixing of the chemicals would be in accordance with standard operating procedures. Weed management is not the result of the requirements of the conservation easement.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. <b>COMMUNITY IMPACT</b>  Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			X			9a
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):**

- 9a. The easement donation is designed to eliminate residential and industrial development of this area while providing continued open space and for recreational access to the property. Neighboring property owners have been contacted and are supportive of the proposed permanent conservation easement.

By sound land use management and zoning within the community, a positive impact will occur because of the additional access to open space.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. <b><u>PUBLIC SERVICES/TAXES/UTILITIES</u></b>  Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				10c
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources		X				10e
f. **Define projected maintenance costs.			X			10f
g. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):**

- 10b. No changes will occur to the local or state tax base because there will be no change in the effected land's classification per state statute MCA 76.6.208.
- 10c. The proposed conservation easement will result in no change to existing utility power lines. See 7a narrative.
- 10e. PPL Montana has proposed to donate the conservation easement. There will be no revenue generated from this project.
- 10f. Currently, FWP staff provides general maintenance and upkeep for the existing trails, parking lots, and overlooks within the proposed easement boundary under the 2001 Cooperative Management Agreement. This service would continue as part of the cooperative management agreement and additional maintenance costs are expected to be minimal to FWP. Anticipated new costs might include partial fencing of property and the erection of property markers along its boundary, but those costs may have been incurred anyway under the cooperative management agreement.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

<b>** 11. <u>AESTHETICS/RECREATION</u></b>  <b>Will the proposed action result in:</b>	<b>IMPACT *</b>					
	<b>Unknown</b>	<b>None</b>	<b>Minor</b>	<b>Potentially Significant</b>	<b>Can Impact Be Mitigated</b>	<b>Comment Index</b>
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				11a
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				11c
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				
e. Other:		X				

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):**

- 11a. The proposed conservation easement will maintain the aesthetic beauty of the open space prairie above the cliffs of the Missouri River. Views to the west, across Giant Springs Road are open into cultivated fields with the Great Falls skyline beyond. To the north and across the Missouri River, the landscape looks towards the 2,400 acre Lewis & Clark Heritage Greenway Conservation Easement (North Unit) held by FWP. To the west, the viewer looks at open prairies and grass-lined coulees. As part of the conservation easement, PPL Montana intends to consolidate the existing power lines on the property over time that will improve the scenic vista of the landscape.

Currently, FWP maintains a series of paths, including the Rivers Edge Trail, across the northern portion of the conservation easement area, which travels eastward from a trailhead above Rainbow Dam. Approximately 2.1 miles of paved and dirt-surface trails are officially recognized in the area of the proposed conservation easement. These trails will remain and continue to be maintained by FWP staff and through existing cooperative agreements with Recreation Trails Inc. and other partners such as the City of Great Falls and Cascade County.

As part of the conservation easement document, a Baseline Report will be completed, reviewed by FWP and PPL Montana, and acknowledged by them to be an accurate representation of the physical and biological condition of the property and its physical improvements as of the date of conveyance.

- 11c. The public access to the area will continue if the proposed conservation easement is approved and will continue to be a destination for those wanting to walk along the Missouri River and enjoy its beauty. See *Appendix D* for Tourism Report.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		N/A				
e. Other:						

**Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources**  
(attach additional pages of narrative if needed):

- \* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- \*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- \*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- \*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.



## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  Will the proposed action, considered as a whole:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)			X			13a
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. ****For P-R/D-J, list any federal or state permits required.		X				

### Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

- 13a. Although minor effects to several resources have been identified, those noted can be mitigated or are of a positive impact or have been identified as a stipulation of the proposed conservation easement between FWP and PPL Montana. The long-term protection of the land is the overriding motivation for the proposed easement that will provide long-term benefits for both the public and wildlife.

\* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

\*\* Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

\*\*\* Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

\*\*\*\* Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

**2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

The proposed conservation easement between FWP and PPL Montana will provide terms and clarification for the use and protection of the property in perpetuity.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

The proposed action will have no negative cumulative effects on the physical and human environments. When considered over the long-term, this action poses significant positive effects for wildlife habitat and the public's continuing access to a scenic recreation area.

Alternative B does provide the property with some conservation protection and ensures the public's access to the area for non-motorized activities, but the cooperative management agreement is only through 2012 and subject to termination at any time for any reason. When it expires in 2012, PPL Montana might not be inclined to enter a new one with FWP, which might lead to the development of the property that would negatively impact wildlife and possibly limit public access to the area.

### **PART IV. PUBLIC PARTICIPATION**

**1. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Two public notices in each of these papers: *Helena Independent Record and Great Falls Tribune*;
- One statewide press release;
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to interested parties to ensure their knowledge of the proposed project. Copies will be available for public review at FWP Region 4 Headquarters.

This level of public notice and participation is appropriate for a project of this scope having few minor impacts.

**2. Duration of comment period, if any.**

The public comment period will extend for (30) thirty days following the publication of the second legal notice in area newspapers. Written comments will be accepted until 5:00 p.m. January 9<sup>th</sup>, 2007 and can be mailed to the address below:

Lewis & Clark Heritage Conservation Easement Project, South Unit  
Montana Fish, Wildlife & Parks  
Region 4 Headquarters  
4600 Giant Springs Road  
Great Falls, MT 59405

Or email comments to: [rsemmler@mt.gov](mailto:rsemmler@mt.gov)

**PART V. EA PREPARATION**

**1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?**

**If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

Based upon the above assessment, which has identified a very limited number of minor impacts from the proposed action, an EIS is not required and an environmental assessment is the appropriate level of review.

**2. Name, title, address and phone number of the person(s) responsible for preparing the EA:**

Roger Semler  
Regional Parks Manager  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405  
406-454-5858

Matt Marcinek  
Giant Springs State Park Manager  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405  
406-454-5858

Rebecca Cooper  
MEPA Coordinator  
Montana Fish, Wildlife & Parks  
1420 E. 6<sup>th</sup> Ave., Helena MT 59601  
406-444-4756

**3. List of agencies consulted during preparation of the EA:**

American Public Land Exchange representing PPL Montana  
Cascade County Conservation District  
Montana Fish, Wildlife & Parks  
    Parks Division  
    Wildlife Division  
    Legal Bureau  
    Lands Bureau  
Montana Department of Commerce – Tourism  
Montana Natural Heritage Program – Natural Resources Information System  
(NRIS)

## **APPENDICES**

- A. MCA 23-1-110 Qualification Checklist
- B. Map of Property to be Acquired for the Conservation Easement
- C. Current Recreation Trails and Overlook Improvements
- D. Tourism Report – Department of Commerce



**APPENDIX A**  
23-1-110 MCA  
PROJECT QUALIFICATION CHECKLIST

**Date:** October 24, 2006

**Person Reviewing:** Rebecca Cooper

**Project Location:** Lewis & Clark Heritage Conservation Easement Project, South Unit

**Description of Proposed Work:**

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under 23-1-110 rules. (Please check ✓ all that apply and comment as necessary.)

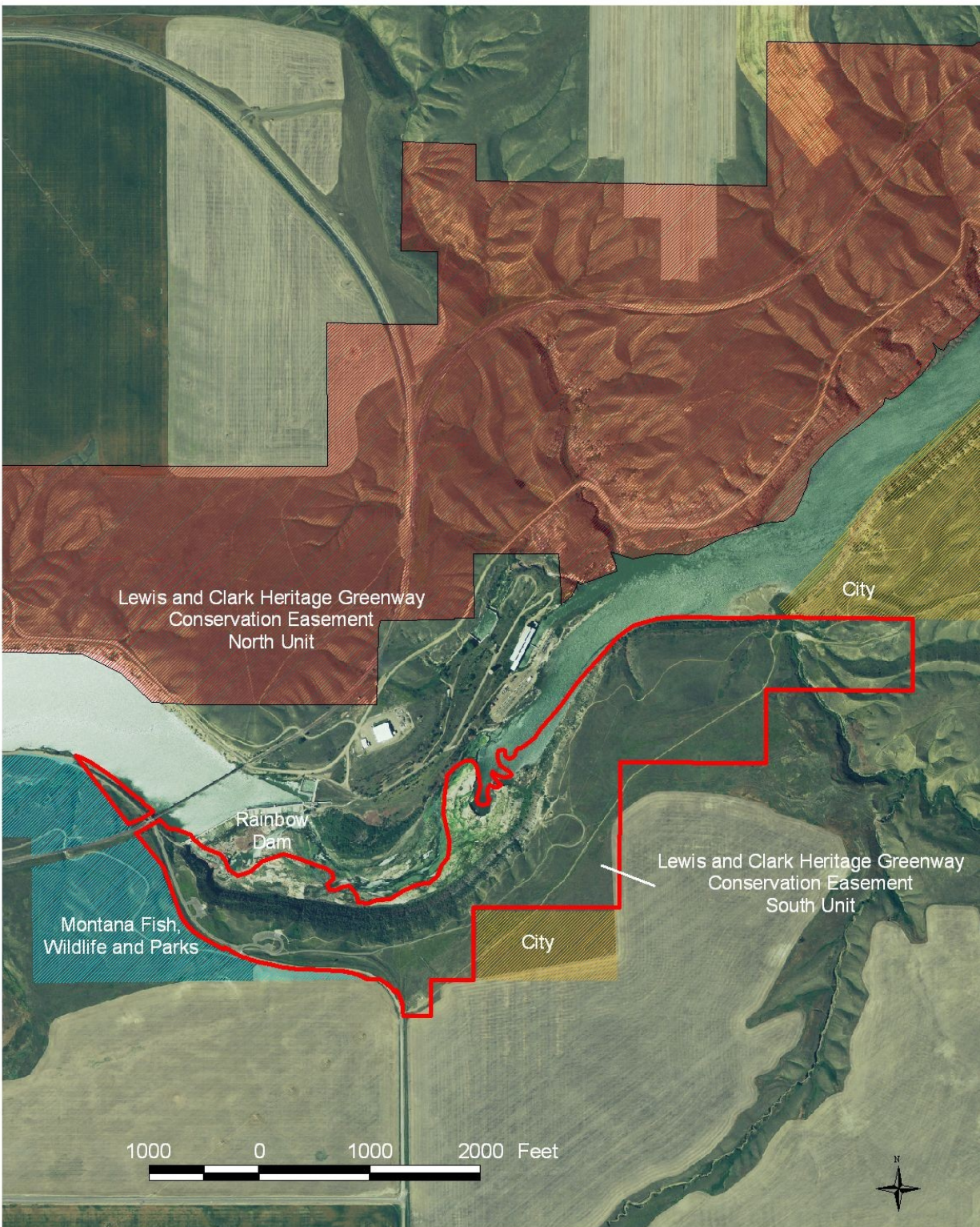
- [ ] A. New roadway or trail built over undisturbed land?  
Comments:
- [ ] B. New building construction (buildings <100 sf and vault latrines exempt)?  
Comments:
- [ ] C. Any excavation of 20 c.y. or greater?  
Comments:
- [ ] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?  
Comments:
- [ ] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?  
Comments:
- [ ] F. Any new construction into lakes, reservoirs, or streams?  
Comments:
- [ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?  
Comments:
- [ ] H. Any new above ground utility lines?  
Comments: *The possibility exists per the agreement between FWP and PPL Montana that new utility lines could be added to the landscape within the conservation area. The rights were reserved by PPL Montana for this activity.*
- [ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?  
Comments:

- [   ] J.    Proposed project significantly changes the existing features or use pattern;  
including effects of a series of individual projects?  
Comments:

If any of the above are checked, 23-1-110 MCA rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.



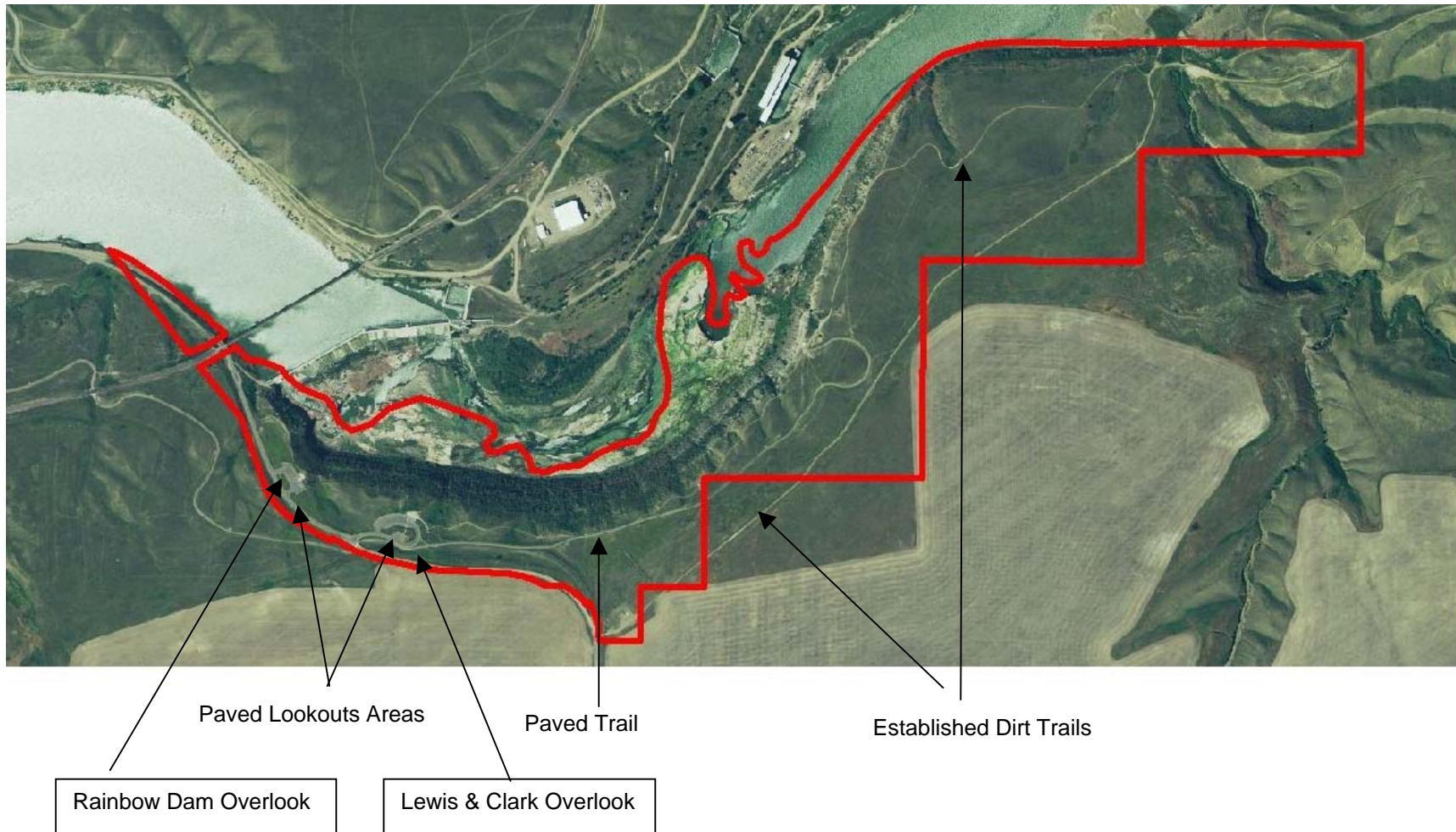
**APPENDIX B**  
Propose Conservation Easement Outlined in Red





## APPENDIX C

### Existing Improvements



## APPENDIX D

### TOURISM REPORT MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Victor Bjornberg, Tourism Development Coordinator  
Travel Montana-Department of Commerce  
PO Box 200533  
1424 9<sup>th</sup> Ave.  
Helena, MT 59620-0533

**Project Name:** Lewis & Clark Heritage Conservation Easement Project, South Unit

**Project Description:** To obtain a conservation easement from PPL Montana for approximately 170 acres along the south shore of the Missouri River downstream from the Rainbow Dam.

The easement would include the current recreational improvements at the Rainbow Dam overlook that includes a latrine, paved trail along the rim of the Missouri River, parking, and mountain bike trail. Additional recreational opportunities would exist southward toward Malstrom AFB over prairie grasslands.

1. Would this site development project have an impact on the tourism economy?

NO

YES

If YES, briefly describe:

As described, easement would bring more land into full public access and add to the recreational opportunities in this area.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?

NO

YES

If YES, briefly describe:

It appears to improve or add to the quantity of visitor opportunities in this area.

Signature

Victor Bjornberg

Date 10-18-06